The New-York Times.

VOL. VIII.....NO. 2230. NEW-YORK, FRIDAY, NOVEMBER 12, 1858. PRICE TWO CENTS.

...ecessible if they permit vessels to go without paying the legal duties.

ARTICLE XXIII.

When goods are landed and merchant vessels of the United States in part are to be transhipped to another vessel, application shall be made to the Consul, who shall certify the occasion thereof to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the transhipment. And if any goods be transhipped without such application and permit, they shall be subject to confiscation to the Chinese Government.

ARTICLE XXIV.

For debts due from subjects of China to citizens of the United States, the latter may seek redress in law, and on suitable representation being made to the Chinese authorities, through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. If citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul. But the Chinese Government will not hold itself responsible for any debts due from subjects of China to citizens of the United States, nor will the United States be responsible for any debts of its citizens to subjects of China.

ARTICLE XXV.

It shall be lawful for the officers and citizens of the United States to employ scholars and people of any part of China, to teach any of the languages of the Empire and to assist in literary labors—and the persons so employed shall not, for that cause, be subject to any injury on the part of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ARTICLE XXVI.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the ports of China open to foreign commerce; it is further agreed that, in case at any time hereafter China should be at war with any foreign nation whatever, and for that cause should exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to the neutrality of the flag of the United States,—provided that the said flag shall not protect vessels engaged in the transportation of officers and soldiers in the enemy's service,—nor shall said flag be fraudulently used to enable the enemy's ships, with their cargoes, to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation by the Chinese Government.

ARTICLE XXVII.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own Government, and all controversies occurring in China, between citizens of the United States and subjects of any other government, shall be regulated by the treaties existing between the United States and such Government respectively, without interference on the part of China.

ARTICLE XXVIII.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of the Government, they shall submit the same to their Consul or other officer, to be translated if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper and the matter just and right, in which case the said authorities will transmit the same to the Consul, or other officer, for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity, by the public officers of the two nations acting in conjunction. And the extortion of all illegal fees is prohibited.

ARTICLE XXIX.

The principles of the Christian religion, as professed by Protestants and Roman Catholics, are recognized as teaching men to do good, and to do to others as they would have others do unto them. Hereafter, therefore, those persons who may be quietly and peaceably teaching these doctrines, shall not be persecuted; and any person who may teach these principles shall not on that account be interfered with or molested in any way.

ARTICLE XXX.

The contracting parties agree that if the Ta-tsing Empire should grant to any nation, or to any citizen of foreign nations, any rights or privileges connected with commerce, navigation or politics, such rights and privileges shall enure to the merchants and citizens of the United States also.

This treaty shall be ratified by the President and Senate of the United States within one year or sooner from the date thereof, and by the Sovereign of the Ta-tsing Empire forthwith. And ratifications shall be exchanged within one year from the date of its signature.

Done at Tien-tsin, June 18, 1858.

(Signed,) WM. B. REED, U. S. Commissioner.
KWEILIANG, HWASHANA, } Chinese Commissioners.

THE TREATY BETWEEN THE RUSSIAN AND THE CHINESE EMPIRES.

The Preamble gives the following names of Plenipotentiaries: On the part of Russia, Aide-de-Camp Général, Vice-Admiral Comte Euphimius Poutiatine, Commissaire Impérial en Chine, et Commandant en Chef l'escadre Russe dans l'Ocean Pacifique.

On the part of China: Koui-liang and Hwashana.

ARTICLE I.

Confirms anew the peace and friendship which has for a number of years existed between the two countries and their subjects. Guarantees security of person and property to Russian subjects in China, and to Chinese subjects within Russian territory.

ARTICLE II.

Regulates the correspondence between the two Governments, declaring that it shall not be, as heretofore, between the Senate on the one part, and the Tribunal Li-fan-yuan on the other; but that it shall be between the Russian Minister of Foreign Affairs and the Chinese Senior Member of the Council of State, or the Prime Minister at Pekin—on a footing of perfect equality. Provides for the transmission of their dispatches by the frontier authorities of Russia and China, and, in important cases, of special messengers to bear the same, who shall be allowed to make verbal explanations with the members of the Council of State and the Prime Minister. The same equality shall be observed in the correspondence and interviews of the Russian Envoys and Plenipotentiaries with the members of the Council of State, Ministers of the Court of Pekin and the Governors-General, and between the frontier authorities of the two nations. If the Russian Government judge it necessary to send a Minister Plenipotentiary to reside at any of the open ports of China, he shall be entitled to have personal relations and correspondence with the Chinese local authorities, and with the Ministers at Pekin, according to the general rules recognized by all foreign States. Envoys from Russia may go to Pekin, either by Kiakhta and Urga, or by Taku, at the mouth of the Peiho, or by any other port or city opened by China. The Chinese Government to make the necessary arrangements for the journey of the Envoy and his suite. His reception at the capital to be such as is suitable to his rank. He shall there be furnished with convenient lodgings and all necessary things. The Russian Government to bear all the expenses of its diplomatic Envoys to China.

ARTICLE III.

Commerce between Russia and China may be carried on not only by land, at the frontier, but also by sea. Russian ships may trade at the following ports viz: Shanghai, Ningpo, Fou-tcheu, Amoy, Canton, Taiwan in Formosa, and Kiung-tcheou in Hainan.

ARTICLE IV.

Provides that there shall be no limitation on the part of the two Governments as to the number of merchants and of the capital employed in commerce. In matters of goods imported, in the payment of tonnage-dues, and of duties according to the existing tariff, &c., Russian subjects shall conform to the general rules established for foreign commerce in the ports of China. Illicit trade shall be punished by confiscation of goods, for the benefit of the Chinese Government.

ARTICLE V.

Gives liberty for the Russian Government to send Consuls to the open ports to send ships-of-war to maintain order among Russian subjects, and to support the authority of the Consul. The relations between the Consuls and local authorities, the construction of suitable grounds for the construction of churches, of houses, and of stores, inspection of the merchandise of trade from the Chinese, and all transactions, which come before the Consul, shall be governed by the general rules which the Chinese Government observes in its affairs with foreigners.

ARTICLE VI.

If a Russian ship-of-war or of commerce should be wrecked on the coast, the nearest Chinese authorities shall take the necessary measures to save the ship and cargo, and to take the equipage and cargo to the nearest port where there is a Russian Consul, or a Consul of a friendly nation. The Russian Government will reimburse the expenses occasioned by the salvage of the equipage and of the cargo. In case ships-of-war or merchantmen find themselves under a necessity to make repairs, or to procure water and fresh provisions, they shall be allowed to enter, on their route, into ports not opened to commerce, and to buy what they need of such articles, in a friendly manner, without the local authorities putting obstacles in the way.

ARTICLE VII.

Affairs between Russians and Chinese to be examined by the Chinese authorities and the Consul. Russian subjects found guilty of any crime or misdemeanor shall be judged according to Russian law. Chinese, committing any crime against Russians, shall be punished according to the laws of China. Russian subjects who shall have penetrated into the interior of China, and who shall have committed any crime or misdemeanor, shall be brought back to the frontier, or to one of the open ports where a Russian Consul resides, to be judged and punished according to Russian laws.

ARTICLE VIII.

The Chinese Government having recognized Christian doctrine as tending to establish order and concord among men, engages not to persecute its Christian subjects for exercising the duties [*devoirs*] of their religion. They shall enjoy the same protection which is accorded to those of other faiths tolerated in the Empire. The Chinese Government, considering Christian missionaries as good men who do not seek material advantages, permits them to propagate Christianity among its subjects, and will not forbid them to roam [*circuler*] into the interior of the Empire. A fixed number of missionaries going from the cities or ports opened, shall be furnished with passports signed by the Russian authorities.

ARTICLE IX.

The undetermined boundaries of the frontiers between China and Russia shall be examined, without delay, on the ground itself. For this purpose, the two Governments shall name delegates, who shall fix the line of demarcation and conclude thereupon a Convention, which shall be annexed as a separate article to the present treaty. Charts and detailed descriptions of the frontiers shall be prepared [*dressées*] immediately, and shall serve for incontestible documents for the future.

ARTICLE X.

There shall no longer be a fixed term for the residence of the Russian Ecclesiastical Mission at Pekin; the members of this mission shall have the authorization of their Government to return to their country at any time. The vacancy may be occupied by a new member. The Chinese Government shall not be at any expense for the mission; all costs shall be at the charge of the Russian Government. The expenses of the journey of members of the mission, of carriers, and other persons whom the Russian Government may send from Kiakhta and the open ports of China, and *vice versa*, shall be paid by the Russian Government; the Chinese local authorities are obliged, on their part, to take the necessary measures that the journey of all the persons mentioned above may be prompt and commodious.

ARTICLE XI.

A regular postal service shall be established between Kiakhta and Pekin, for the communications between the two Governments, as well as for the wants [*besoins*] of the Russian Ecclesiastical Mission at Pekin. A Chinese carrier shall be dispatched on a fixed day, once a month, for Pekin and for Kiakhta, and shall, within the space of fifteen days or less, carry the official packets and letters to the place of their destination. Moreover, every three months, or four times a year, there shall be sent a convoy from Kiakhta to Pekin, and *vice versa*, for the transport of every kind of effects. This convoy shall make the transit in the space of one month. All expenses occasioned by the establishment and keeping up of these communications shall be paid one-half by each Government.

ARTICLE XII.

All privileges, political, commercial, or others, which may hereafter enure to States the most favored by the Chinese Government, shall be immediately extended to Russia, without any necessity for further negotiation.

This Treaty shall be at once ratified by the Emperor of China, and after it shall have been ratified by the Emperor of Russia, the exchange of ratifications shall be made at Pekin within one year, or sooner if possible. Copies in the Russian, Manchu, and Chinese languages, attested by the signatures and seals of the Plenipotentiaries of the two nations, are in the meantime exchanged; and the Manchu text shall serve as the basis of interpretation for all the articles of the Treaty, which shall be faithfully and invariably observed by the two high contracting parties.

Done and signed at the City of Tien-tsin, the 19th day of June, in the year of our Lord, 1858, and in the fourth year of the reign of His Majesty the Emperor Alexander II.

(L. S.) (Signed) Comte Euphimius Poutiatine.
(L. S.) (Signed) Kweiliang, Hwashana.

Secret History of the Negotiations of the Chinese Treaties.

From the Special Correspondent of the N. Y. Times.

Shanghai, Wednesday, July 14, 1858.

Mr. Reed has signed his treaty, a better compact than the former one of Mr. Cushing in many of its particulars and provisions, but obtained under the power of the guns of the English and French, and while they were negotiating the treaties. The ministers of these nations invited the Russian and American envoys to accompany them to the north last February, by stating to them that they intended to address the Prime Minister at Pekin, asking this Government to appoint a Special Commissioner to meet them at Shanghae, and there settle all the disputes existing, and adding that a representative from each of the foreign ministers would probably have more weight than from one or two of them. The appointed time came when the Chinese Government was asked to send a Minister to Shanghae, but without a word of reply from it, though there could be no doubt entertained of the reception of the letters; another set of *...* was therefore sent, stating that *the four ministers had decided to go to the mouth of the Pei-ho* in order to get nearer to the Imperial Court. To the mouth of the Pei-ho they all came, therefore, about the middle of April, and are long a messenger came off to ascertain their business, as if nothing had ever been sent to Pekin. Two Manchoos were soon announced as having been commissioned to come to the Takoo forts to learn officially what the arrival of so many ships indicated. Nobody would see them in form, but the Russians had a meeting through their interpreter. One of them was Tan-kwang, who had been appointed by the Emperor in 1854 to confer with Sir J. Bowring and Mr. McLane, and perhaps owed his present appointment to his former success. Their note, informing the foreign ministers of their appointment, was not answered, for it was superseded by another sent to them by Tan, the Governor-General of this province, informing them that he had been commissioned by the Emperor, and invested with full powers to treat with the ministers of foreign countries assembled at the mouth of the river, and hear all their demands. Before this communication was received, each of the plenipotentiaries had already forwarded a similar note to Tan-kwo the senior minister of the Century, informing him of their arrival at the Pei-ho, and asking for an envoy of equal rank to be sent to confer with them—one who had full powers to settle all the disputes and demands against China with each of them.

It may be stated here that this dispatch was sent, like the previous ones, *after full agreement among the four powers*; the proposition came from the English in each case, but was *heartily responded to by the other three*. The Governor-General, in his announcement, said that he was on a military tour when he was ordered to repair to Takoo, and he had had no personal conference with the high officers at the capital. He used, in this dispatch, nothing besides the usual official titles, and made no reference to the particular points spoken of in the letters sent from Canton in February to Tientsin. On these accounts, *Lord Elgin refused to see him or send any one*, and pretty much ignored his presence, and the French Minister, [illegible] acted in concert with him. The Russian and American officers declared that the Chinese Government had never done all that they expected, and had several interviews with Tan, whose instructions, however, were hardly comprehensive enough to settle all their grievances and accede to all their demands. He was vexed at the contempt exhibited by the English towards him, but their real reason, probably for standing out on the point of full powers was that they were determined to get up to the capital, or to get a minister fully empowered to let them go, whose permission was all the evidence they needed of his having full powers. The Mandchoo Government had its own ideas about this demand to visit and reside at Pekin, for their officers there knew that ostensible was the only inducement they themselves would have had in a similar case; and they judged, therefore, that Pekin was to follow the fate of Canton. If was to indignity to the Chinese Government to require an audience of the rank of Tan, because he had not the power to grant the same demands made by the ambassadors, and the same answer in any other country would, I think, have been announced by the English Government. Each might assume the right to be on their side.

While these negotiations about full powers were going on off the Pei-ho, the English newspapers in China were publishing letters received from the fleet, reflecting on the "defensive system" and their officiousness; but all the ministers had come to the anchorage by mutual understanding of each other's position and aims. No explanation of particular views was asked for, as the general policy of each party had been already made known in the public letters sent to Pekin; and there was consequently no objection made to each minister carrying on his own line of negotiation. It was, in fact, expected from the first that such would be the course of procedure, but many seemed to think, and some expressed their thoughts, that *because the Russians and Americans came to the Pei-ho with the English and French, therefore the former were expected to stand and idly wait till their had obtained all they wanted and settled all their difficulties, when they would come and take what was ready for them.* The alliance of the Ministers of these four nations at the gates of the Emperor's Court was rather intended to show his Majesty that they were in earnest, and to present a united front in breaking down the seclusion in which he had for so long a time intrenched himself. But the belligerent powers were in a different attitude from the peaceful ones, and the Chinese were soon made acquainted with the relation in which the two parties stood; and they have not confounded that relationship.

The arrival of Tan at the mouth of the river as the envoy of the Chinese Government not only enabled the two neutral plenipotentiaries to begin negotiations with him upon their particular business, but also to do a great deal at preparing the way for the peaceable adjustment of the demands of the two belligerents. Many interviews were held with Tan or his subordinates, and at every one of them the bad consequences of further resistance was exhibited, the benefits certain to result to all parties from a friendly intercourse and understanding represented in the plainest terms. These conferences did good, and the result might have been better if the allied ministers had agreed to meet the Governor-General, and let their further progress towards Pekin depend upon his refusal to accede to that demand, and not on a quibble about "full powers." The moral effect would have been greater, judging from what could be learned of the feelings of the Chinese up to the day the forts were taken. No one, who saw their conduct, could reasonably doubt their chagrin at being treated with such indifference, but the practice of disregarding their feelings and views where they do not tally with our own is so common that no importance is given to it.

The forts were taken by the Allies on the 20th of May, and on the 26th the four Ministers left the outer anchorages by mutual understanding and consent, and proceeded to Tien-tsin, there to continue their separate negotiations. The relationship they maintained to each other was that of independent consultation with the Chinese Commissioners, but carried on concurrently; no deliberation was held among themselves, though there might have been some good effects resulting from a different course, and no objections to it will readily suggest themselves if the personal temper of the parties was incompatible. Their front towards the Chinese Government was on the whole well understood, and the two neutrals never, I think, made threats of resorting to force to gain any point.

On arriving at Tien-tsin, two high statesmen were appointed to meet the foreign Ministers, named Kwaliang and Hwa-sha-na, who put the word "plenipotentiary" on their cards, using the same expression that foreigners used to describe their full powers. This indicated compliance with foreign usages, but it is doubtful whether the officers themselves had any more authority than Tan assumed at the mouth of the river; that functionary was left out of the commission, though he remained in the city during the deliberations.

The Russian and American Ministers resumed the discussion of their treaties, and the demands of the Allies were made after each Plenipotentiary had had a formal introductory interview with the Chinese. The latter proposed one general meeting for this purpose, but Lord Elgin very properly suggested separate meetings as more satisfactory to all parties, and they readily fell in with the notion. No objection was made as to the powers of Kwaliang and Hwa-sha-na by any party. The chief application of the technicalities of Western diplomacy to the people is premature before they have had even an opportunity to learn what they are; it was perhaps a mere cover for assuming that every demand would be unreservedly granted to the English. It is important to understand, however, the grounds why the neutral powers commenced negotiations before the Allies, for the English papers have fully diluted on the interference of the former and their gratuitous offer of advice to the Chinese, though it does not appear that any such idea or imputation has originated with the English or French Envoys, or been entertained by them. It is extremely probable that the concert of action between the French and English in conducting their negotiations has been limited to merely a general understanding that one should not thwart the other, rather than that one should not take a step unknown to the other.

It was not to be expected that the two neutral Powers should wait until the Allies had signed and sealed their treaties, before they came forward with the humble request that the Chinese would sign and seal similar compacts, merely changing the names of the countries. The belligerent powers themselves never anticipated such a course, and the concurrent negotiations of the four Ministers were carried on, and the American and Russian Ministers obtained their lesser demands and signed their treaties sooner, because the Chinese agreed to them before they were ready to comply with all those of the English and French. The assistance of the Russian Ministers, particularly, has been important to the success of the Allies; and the explanations, alterations, consequences and suggestions he was continually making through his four interpreters, who had lived at Pekin, did more to bring about a peaceful adjustment of difficulties, I am confident, than their force put to obtain for him all the provisions of the treaty. Perhaps it is safe to say, in respect to this singular conference of Plenipotentiaries, sent *via a-la* the Chinese Government, that the neutrals were the best complement to belligerents, and neither would have succeeded as well without the other—at least without a resort to arms, which every one wished to avoid. After concluding these negotiations, it will be best for the United States, perhaps, not to mix again in such relationships. There was no impropriety in doing it for the present objects, but it is not easy to avoid collision or imputation amidst so many contrary currents. The ultimate results of the concessions obtained by one party will enure to all, but the more difficult part will be to save the Chinese Government from dissolution, and this country from anarchy, as those results are carried out. The English have shown themselves more unscrupulous and overbearing in their dealings and their meetings than was expected, perhaps they profited in such measures at the last distressing to Yeh, were taken as remembered by the Russian Ministers. Each might assume the right to be on their side.

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The Atlantic Telegraph.

From the London Daily News, Oct. 26.

Since the announcement was made a few days ago that the Directors of the Atlantic Telegraph Company had decided to make another attempt to lay the Electric Line between Ireland and Newfoundland, the public have been anxiously expecting to hear that the Great Eastern had again started for mid-ocean. Such a report would be received with universal satisfaction, for the failure of last year was a disappointment to the whole country, and the more so because it was generally felt that the cause of that failure was not to be found in any defect in the principle of the undertaking, but in the inadequacy of the means employed to carry it out. Now, however, we are glad to say, that the Great Eastern has left the Nore, and is at present steaming down Channel, with her head pointed towards the Irish coast. She is accompanied by the Gorgon steam frigate, the Terrible steam sloop of war, and the Albany steam transport, which vessels have on board the whole of the machinery, and the shore ends of the cable. The Great Eastern herself has on board the main portion of the cable, and the Agamemnon, which vessel was employed in laying down the cable last year, has also a portion of the cable on board. The Gorgon has on board the Government Engineers, and the Terrible has on board the Directors of the Company, and a number of scientific gentlemen, who are interested in the success of the undertaking. The Albany has on board the workmen employed in the construction of the cable, and the necessary stores and machinery for the purpose of paying out the cable. The Agamemnon and Great Eastern will meet the Gorgon, Terrible, and Albany, off the coast of Ireland, and the cable will be then spliced, and the Great Eastern will proceed on her course, while the Gorgon, Terrible, and Albany will return to Valentia Bay, on the west coast of Ireland, where they will remain in readiness to render assistance to the Great Eastern, should she require it. The Great Eastern is expected to reach the American coast in about ten days from the time she left the Nore, and the Gorgon, Terrible, and Albany will remain on the coast of Ireland for about a week after the Great Eastern has left, in order to render assistance to her, should she require it. The Great Eastern has on board 2,500 tons of coal, and will therefore be enabled to steam for about ten days at full speed, or for a longer period at a slower rate of speed. The Great Eastern has also on board a quantity of provisions sufficient to last the whole of the ship's company for six months. The Great Eastern has also on board a quantity of rockets and blue lights, which will be fired at intervals during the night, in order to enable the Gorgon, Terrible, and Albany to keep company with her. The Great Eastern has also on board a quantity of fog signals

The New-York Gazette, Literary, Monday, at 1 o'clock P.M.

The New-York Gazette & Literary Advertiser, Tuesday, Nov. 13, 1826.

LATEST NEWS BY THIS ARIA.

London, Saturday, Oct. 28 — 2 P. M.

The Paris Bourse yesterday was calm, the 5 per cents. remaining at 93 francs 50 centimes.

The Moniteur publishes the monthly average price of Wheat, which for the whole of France is 21 94-96 per hectolitre, being a decline of 3d. since the last return. The lowest price is 13l. 4½c., and the highest 31l. 16c. 9d.

The Emperor Alexander has addressed an order of the day to the Army of the Caucasus, expressing his satisfaction at the result of their late operations.

There is now almost communication between the Russian and Persian frontiers. No passport is necessary for the present, in consequence of the voluntary submission of Erivan.

Private letters from Madrid of the 19th, state that the Minister of Marine, it appears that the number of Spanish emigrants now in the United States, is about forty thousand, and that the Government is about to adopt measures to prevent their return.

Letters from Lisbon of the 20th, state that the Queen Dowager had been seized with a violent fever, which was considered alarming.

Letters from Madrid of the 19th, state that the Duke del Infantado has been appointed Ambassador to the Court of St. Petersburgh

The New-York Times.

NEW-YORK, FRIDAY, NOVEMBER 18, 1859.

THE NEW-YORK TIMES.

The DAILY TIMES is published every morning—price Two Cents; served at 25¢ cents a week; mailed, Six Dollars a year.

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Terms—Cash invariably in advance.

All letters to be addressed to the "New-York Times, New-York City."

Amusements this Evening.

ACADEMY OF MUSIC—Italian Opera—Don Giovanni.

BURTON'S GARDEN—The Life of an Actress.

WALLACK'S THEATRE—Going to the Bad—The Life of the Regiment.

LAURA KEENE'S—Our American Cousin—The New Footman.

BROADWAY THEATRE—Rip Van Winkle—His Last Legs—Woman and Her Trials.

FRENCH THEATRE—Hamlet—Two Bonbons.

PURDY'S NATIONAL THEATRE—Knights of the Mark—Naval Engagement—Bedaz Hills of Ease.

BOWERY THEATRE—Ireland—The Knights of the Mist.

BARNUM'S AMERICAN MUSEUM—Tycoon's Theatre of Art—Dr. Valentine—Indian Giant.

WOOD'S MINSTRELS—Negro-ism Monstrous.

PALACE GARDEN—Music & Ready Grand Equestrian.

Mails Close at the Post-Office.

South—Albany, Buffalo and Canadas.....2½ P.M.
North and West WAY Mail.....2½ A.M.
Western Mail via Erie Railroad.....2½ A.M. and 2½ P.M.
South and Southwestern Mail.....1 A.M. and 2½ P.M.
Boat for Boston, by Railroad.....2½ A.M. and 1½ P.M.
Boat for Boston, by Steamboat.....2 P.M.

The Overland Mail for California, leaves St. Louis every Monday and Thursday, at 8 A.M. Letters designed for it should be marked "Overland, via St. Louis."

The Overland Mail from St. Joseph (Mo.), to Placerville, via Salt Lake City, leaves St. Joseph every Saturday, at 8 A.M. Letters should be marked "Overland, via St. Joseph."

Ocean Mail Steamers.

The mails by the *Fulton*, for Southampton, to-morrow, at noon, will close at the New-York Post-office at 10½ o'clock.

The German mail by the *Bavaria*, hence for Hamburg, on Monday, at noon, will close at the New-York Post-Office, at 10½ o'clock of that day.

NEWS OF THE DAY.

The mail steamer *Asia*, from Liverpool on the 30th ult., arrived yesterday. Her news is of interest. In regard to Atlantic steam navigation, both the Government and Mr. CUNARD had declined to favor the Limerick proposition. The former is, however, lending itself earnestly to the interests of the Galway line. The political topic of eminent interest in England was the speeches of Mr. JOHN BRIGHT, delivered at Birmingham during a three days' visit there. The Press was occupied with the discussion of the views he entertained in regard to Parliamentary reform, and the foreign relations. Mr. BRIGHT assumes strong opposition positions in regard to the existing Ministry. Among sporting news, the victory of Mr. TOM BOOSER's horse over Count BATTHYANI's, wherein the proprietors rode their own racers, was the current talk. The intelligence from the continent is of secondary moment.

From Hong Kong we receive summaries of the English and American Treaties with Japan as negotiated by Col. HARRIS and Lord ELGIN. The latter Convention is founded on the former, with the exception of a provision in regard to a revision of the tariff some years hence. Further details from the Cape in regard to the loss of the *Eastern City* steamer have been obtained.

By the arrival of the steamer *Delta* at Halifax, yesterday, we have advices from Bermuda to the 7th inst. A terrific hurricane, which lasted four days, commenced on the 23d of October, and did immense damage on the island. The United States steam-frigate *Roanoke* experienced the full force of it, and was obliged to put into Bermuda for repairs. She was seriously damaged in her rigging and steerage-gear, and had her bow-ports forced in. The barks *W. H. Chandler* and *Elias Burns*, and the schooners *General Grant* and *Harkaway* had also put in, more or less damaged. The *General Grant* reported having passed a large vessel bottom up.

Another slaver has been captured on the coast of Cuba. The bark *Venus*, formerly sailing under the Mexican flag, was taken by a Spanish war steamer a few days since, off Moro Castle, with nearly six hundred negroes on board. The bark *Ketch Brothers*, mentioned yesterday as having been captured on the coast of Africa, arrived at Charleston on Wednesday morning. She was formerly owned in Charleston, but was sold to parties in Havana.

The contest in the Ninth Congressional District was finally decided yesterday. The remaining seven towns of Westchester County were canvassed at White Plains, and the full official vote elects JOHN B. HASKIN by a majority of thirteen. The official vote of Westchester County stands: HASKIN, 5,200; KENNEDY, 4,594. Majority for HASKIN in Westchester, 1,022; for KENNEDY in Rockland and Putnam, 1,009. Majority for HASKIN in the District, 13.

An election has been ordered in the Congressional District of Pennsylvania, at present represented by J. GLANCY JONES, to fill the vacancy occasioned by the resignation of that gentleman.

The ship *Fanny Fendick*, of Rockland, Me., was burned to the water's edge on the night of the 10th inst., while lying in the port of Savannah. She was owned by FENDICK & ROBERTS, of Rockland, and is a total loss. She was 338 tons register and four years old.

The steamers *Fulton*, *Water Witch*, and *Harriet Lane*, of the Paraguay Expedition, arrived at Barbadoes, respectively on the 15th, 16th, and 20th of October. They stopped only a few hours to take in coal.

In the Board of Aldermen last evening the appointment, by the Mayor, of GONZALVES W. SMITH to the office of Street Commissioner vice EDWARD COOPER, resigned, was confirmed. A letter from Lord NAPIER was received, transmitting the thanks of her Majesty's Government to the municipal authorities of New-York for the hospitality shown to the representatives of Great Britain during the late cable celebration. In the Board of Councilmen last evening a large amount of routine business was transacted. A report was adopted concerning the award of contract for 35,000 feet of hose, and appropriating $17,500 for that purpose.

There was a meeting of medical men held last evening in the Fourteenth street Medical College, which for its numbers, unanimity and objects, was quite unprecedented. After discussing the causes which give our City, naturally so salubrious, larger mortality-bills than any other large city in the Union, resolutions were adopted expressing the conviction that the public weal requires that the medical offices and posts of watch over the health of the community cannot be properly filled except by medical men. Dr. VALENTINE MOTT presided, and addresses were made by Drs. J. M. Smith, Francis, Thos. Cock, John Watson, Alex. Stevens, Reid, Jas. M. Wood, D. M. Reese and the Chairman.

A meeting was held last night in the church corner of Fourth-street and Lafayette-place, for the purpose of raising funds to meet the present financial exigencies of the American Protestant Church in Paris, and to adopt a memorial to the Swedish King, praying that his Government may be induced to repeal the law now in existence in that country making confederation and exile the penalty of dissent from the State Church. Addresses were made by D. Dudley Field, Esq., Daniel Lord, Esq., the Rev. Joel Parker and the Rev. J. F. Thompson.

FIREMANIC.—Wood, last evening, sent in his resignation to the Tammany General Committee. It was received without comment and placed on file. The primary elections of the Tammany Democracy will take place next Monday.

The inquest in the case of the Jaugsherman House, shot on Wednesday while attempting to escape from Policeman CARMAN, was held yesterday at the City Hospital before Coroner GAMBLE. The majority of the witnesses testified that the officer was in almost immediate proximity to the deceased when he shot him. Hosier, cook, where the ball entered, was considerably scorched. A verdict of unjustifiable shooting was rendered, and CARMAN—an application for bail being refused—was committed to the Tombs to await the action of the Grand Jury.

Coroner HILLS concluded, yesterday, the inquest relative to the late terrible explosion of the steam-tug *Petrel*, which, on Saturday last, was blown to atoms near the foot of Jay-street, and three persons out of four who were on board were instantly killed. The owner of the steamer and two of three persons who have been employed on her as engineers pronounced the boiler in good condition, and declared the explosion as the result, in their opinion, of insufficiency o water in the boiler, and not of any material defect. A verdict was rendered in accordance with their statement.

Mr. BENNETT, late Clerk of the Irving House, whose sudden disappearance has been pictured in the Times, and for whose recovery a reward was offered by his friends, was found by the Sheriff of Hempstead, L. I., on Wednesday afternoon. He was leaning against a fence in that town, quite exhausted, and unable to give any intelligible account of himself. He has been sent to his home in the City. It is feared his brain is permanently diseased.

A very important arrest of counterfeiters was made yesterday afternoon, at a house in Brooklyn, situated on Myrtle-avenue, near Division, by a party of Metropolitan Detectives, under Captain WALLING. The parties arrested give their names as Mr. and Mrs. EDWARDS, EDWARD COOK and SAMUEL JAMES. The most complete set ever found in a similar establishment, of dies, stamps, chemicals, cyes and presses, were also captured, together with a large quantity of bogus coins and bills. It is believed that thousands of dollars of bad money have been sent by these parties to all parts of the Union.

Only 600 bales of Cotton found buyers yesterday, at languid prices. Flour was actively dealt in at firmer rates. Wheat quiet. Corn and Barley are depressed. The movements in Groceries, Naval Stores and Oils were moderate. Provisions were in fair demand. Freights were somewhat brisker.

Commissioner Reed and the China Treaties.

We are enabled this morning to publish the substance of the Treaty recently concluded between this country and China, by Mr. REED, and to afford the public some means of forming a judgment concerning the severe censures that have been passed upon his conduct by the leading organ of intelligent English opinion, the London *Times*. We are also enabled to publish, what has hitherto been equally unknown to the world at large, the treaty concluded by Russia *five days* before our own,—in contrast with which it has received such extravagant laudations from the *Times*. In regard to the publication of our Treaty, we acknowledge the full force of the Washington *Union's* reply to the complaints urged against our Government for not giving this Treaty to the public in advance of its ratification. Such a step on the part of the Government would be alike indecorous to the Senate and undignified on its own behalf. But, as the TIMES is not the Government, it is under no such restraints, and we can see no impropriety, therefore, in our giving the public the means of forming its own judgment in the premises—in connection with information of some importance in regard to the *animus* of the assaults that have been made upon our Commissioner.

No one who read the remarkable article in the London *Times*, of Oct. 20, upon this subject, can have failed to see that there was quite as much of private resentment as of public spirit in its bitter attack upon Mr. REED. He was accused of having neglected the interests of his own country, and of having endeavored, though vainly as was confessed, to restrain England from pressing some of her extreme demands. But even if both these accusations had been true, they would scarcely explain the intense vehemence and personal fervor of the assault. The *Times* is not in the habit of working itself up to such a pitch of passion on our account,—nor does it usually thus make public matters the ground of personal abuse. But bearing in mind the fact that the article of the *Times* was based on information of diplomatic transactions in China, which could only have been revealed, directly or indirectly, by some one in Lord ELGIN's immediate *suite*, a narrative of other portions of those transactions may supply the key to the motive of this assault.

Mr. REED, it will be remembered, was sent to China for the purpose of renewing our treaty with that country which was on the point of expiring, and with instructions to avoid all share in the hostile proceedings which England and France were then taking against that Empire. A copy of those instructions was furnished by General CASS to Lord NAPIER at Washington, and by him transmitted to his Government at London. Lord ELGIN had left London before these instructions were received, and they were accordingly sent after him to China. Upon his arrival there, it will be remembered, the perilous condition of affairs in India induced him to repair at once to Calcutta, and his copy of these instructions reached Hong Kong after his departure. They were immediately forwarded to him in India, but did not arrive until after he had left,—so that he returned to China without having received them. For three months, therefore, he remained in ignorance of the particular line of conduct which Mr. REED had been instructed to pursue—our Minister on his part making no allusion to the subject, as he supposed Lord ELGIN was familiar with his instructions. Naturally enough, in consequence of this *contretemps*, the intercourse between them at the outset was constrained and cold. Explanations, however, were subsequently made which seemed satisfactory.

The scene of operations soon changed. In April the four Ambassadors repaired to the Pei-ho. The London *Times* reproaches Mr. REED with having "*followed* the English thither" in hope to profit by the protection of the French and English guns. The informant of the *Times* must know that both Mr. REED and Count PUTIATINE went thither upon the express invitation of the English and French Ministers,—an invitation pressed upon them in the previous February, and based upon the specific ground that "a representation from *each* of the four powers would probably have more weight than from one or two of them." Mr. REED went there quite as much because Lord ELGIN needed him as because he needed Lord ELGIN. He required no "protection" from English guns. He was not at war with China, nor was he either distrusted or hated by the Chinese Government. But a very short time elapsed before Lord ELGIN came to feel the more friendly footing on which Mr. REED stood with the Government, and the consequent advantage he would have in opening negotiations. In answer to an application signed by the four Ministers, asking for an envoy of rank to be sent to treat with them, TAN, the Governor-General of the Province, made his appearance invested with full powers and commissioned to hear all their demands. In his letter to the Ministers TAN used nothing but his official titles, and made no allusion to certain specific points which had been mentioned in a letter sent to YUNTSIEN, the senior member of the Cabinet, from Canton in the February preceding. Lord ELGIN had apparently determined to treat nowhere but at Pekin, and making these omissions on the part of TAN the pretext, he refused to see or have anything to do with him;—and Baron GROS, who had general instructions to follow the lead of the British Minister, acted in concert with him. Here arose the first disagreement with the American and Russian Ministers. They both thought that the Chinese Government had done all that could in justice be required and declined to join the Allies in ignoring the Envoy who had been sent. Both Mr. REED and Count PUTIATINE had several interviews with TAN which they employed in endeavoring to moderate his resentment against the English Minister for the indignity he had put upon him. [illegible] Mr. REED [illegible] awaiting during all this time, to thwart the efforts of the French and English. We are enabled to say, with the utmost confidence and on the best authority, that the charge is utterly untrue. In spite of the abusive letters which had already begun to appear in the English papers in China, from persons in communication with the English Minister, reproaching the "intrusive neutrals" for not joining actively and thoroughly in the aims and plans of the belligerent Allies, both Mr. REED and Count PUTIATINE held repeated conversations with TAN, and never failed, at any one of them, to impress upon him the folly of resisting the power of the French and English, and the wisdom of conceding their demands. Their friendly offices were constantly exerted in favor of the English,—and with a very decided and beneficial effect. It was easy to see, however, throughout the whole negotiation, that Lord ELGIN did not look with favor upon anything which promised to smooth his path to a treaty, and relieve him from the necessity of forcing his way to Pekin. He ceased to consult either the American or Russian minister, and so things stood when during the last days of May the negotiation was removed to Tien-tsin.

Arriving there, two high statesmen named KWEI-LIANG and HWA-SHA-NA appeared to treat with all the Envoys, and armed with cards so rigidly adapted to Western usages that even Lord ELGIN could find no pretext for ignoring them as he had ignored their predecessor TAN. But it was decided that the negotiations should thenceforward be carried on separately. The American and Russian ministers commenced their discussions first, and closed their treaties first. They encountered no hostile prejudices, on the part of the Chinese, while the English minister was constantly brought to a stand in his negotiations by objections taken to the manner in which his demands were pressed, as well as to the nature of the demands themselves. The friendly offices of both the neutral ministers were constantly called in requisition to smooth over small differences of this kind;—and a single instance, out of many which might be given, will suffice to show that they were not always received in as friendly a spirit as might have been expected.

The Chinese Commissioners on one occasion complained to Mr. REED and Count PUTIATINE that Mr. LEY, Lord ELGIN's interpreter, had delivered a verbal message from that Minister with great rudeness, and in a manner not at all conformable to the proprieties of the case; and they desired these gentlemen to bring the matter to his Lordship's attention. They did so. Mr. REED wrote a very courteous note to Lord ELGIN, reciting the complaint of the Chinese Commissioners and saying that their manner in making it had been entirely unexceptionable, while their complaint, if the facts were true, was clearly just—and he took the liberty, therefore, of bringing it to his Lordship's notice. Lord ELGIN answered substantially that Mr. REED was engaged in negotiating a treaty for the American Government, and that he was evidently fearful that Mr. LEY would interfere with it in some way, or prevent his securing all the advantages he desired. He had only to add that he approved of everything that Mr. LEY had said and done. After this, it is not at all improbable that some "English official" so far forgot what was due to the ordinary intercourse of gentlemen as to tell Mr. REED—as the *Times* rather exultingly alleges—that "his sentiments were more Chinese than those of the Mandarins." His answer to Lord ELGIN, although the *Times* will scarcely appreciate the fact, was that of a gentleman who could not permit himself to forget what was due to good manners, even for the sake of rebuking unprovoked impertinence.

It is quite easy to see from this narrative, that there was no little personal ill-will on the part of the British Envoy towards Mr. REED,—that it had its origin in his early perception of the fact that Mr. REED's position with the Chinese Government was decidedly better than his own, and that he had advantages of temper as well as of manner which proved to be equally available in the negotiation. And it is also easy to see that it is only these same feelings of personal jealousy and resentment on the part of the British legation, which have found expression through the leading column of the London *Times*.

The *Times* charges Mr. REED with having at the last moment "suddenly sought solemn audience with Baron GROS, and represented to him that it was the height of oppression to insist upon any resident embassy at Pekin; that the free transit through the country was a most useless and offensive demand; and that the additional ports never could be agreed to." The impression sought to be conveyed is that this was done clandestinely,—that a mine was sprung at the last hour, which, from its secrecy and formidable character, came very near proving fatal to the English treaty. This impression is utterly unfounded. Mr. REED said nothing to Baron GROS which he had not said a dozen times to Lord ELGIN. He said nothing secretly which he had not over and over again said openly. He did unquestionably urge upon the English Envoy the belief, that he was making demands of China which would be utterly barren of practical results, and would so exasperate the Chinese Government and people, as to render the practical execution of *any part* of the treaty a matter attended with constant difficulty and danger, even if it should not prove impossible. He had no concealments on this point from Lord ELGIN or anybody else; and the plea which the *Times* puts forward,—that it is telling nothing which was not freely talked of in the fleet,—shows how absurd is the pretence that Mr. REED poisoned the mind of Baron GROS in secret and "solemn audience." Mr. REED is also reproached for having endeavored to preclude the smuggling of opium into China. So far as having used strenuous endeavors to persuade Lord ELGIN to consent to such an exclusion goes, Mr. REED is fairly obnoxious to the reproach; and Lord ELGIN is entitled to the credit of having steadily refused to assent to such a measure. But it is not true, as the *Times* alleges, that "all the eminent American houses in Hong Kong deal in that drug." Beyond the fact that it is sometimes used as a convenient mode of making remittances, we have very reliable assurances that this sweeping assertion has no foundation whatever.

The remainder of the article of the *Times* is devoted to an exposure of the alleged worthlessness of the treaty negotiated by Mr. REED. That must remain a matter of opinion. It must be remembered, however, that Mr. REED went out—not to press any large demands or claim any new concessions,—but to *renew* the provisions of a treaty which was on the point of expiring by its own limitations. That he accomplished this object fully any one who reads the Treaty, as given in our columns this morning, can readily see. A large portion of its clauses are in nearly the same terms [illegible] which have an important bearing upon our commercial interests. Lord ELGIN, moreover, evidently did not think so badly of some of its provisions as the *Times* now affects to do. Under the old treaty American vessels paid tonnage duties at the rate of *five* mace (50 cents) per ton,—and this was reduced through Mr. REED to *four* mace per ton (40 cents) upon the ground that as the registered tonnage of our vessels is *one-fifth* more than that of the British, the reduction of the rate was necessary to make the duties equal. Lord ELGIN, hearing of this reduction, insisted upon a similar reduction in the British treaty, and thus sought to perpetuate the advantage of British vessels over our own.

But whether the treaty is advantageous or not is a question for the Government and people of the United States exclusively, and we do not feel called on to enter upon any vindication of its provisions against the strictures of the London *Times*. The result will undoubtedly show which nation pursued the wisest policy,—for the wisdom of any national policy is best tested by the practical benefits which follow its adoption.

The Fillibuster Movement.

That planter in Nicaragua, now or lately in receipt of $50,000 from his valuable estates, who has recently written to Mr. BUCHANAN on the subject of WALKER'S projected expedition, is decidedly a useful person. It is not every Cabinet in the world which can boast a Mentor so sage and so discreet. See what he has done: Here is the Government of the United States, administered, in theory at least, by the ablest men of the Republic. It has unlimited command of money, of ships, and of men. It has its Ministers Plenipotentiary, its Envoys Extraordinary, its *Chargés d'Affaires*, its Consuls General, and its Consuls particular, its exploring agents and roving agents, its secret-service emissaries, and its notorious-service volunteers. There is no port of the globe in which its flag does not fly with honor, and there is no country of the globe in which its citizens are not to be found, able, willing and even eager to serve it. There is hardly a shrewd, a "smart man" from Maine to California who would not gladly take its pay, and do its bidding. Moreover, it claims a sort of paramount jurisdiction over the whole of the American continent. It has expressly prohibited the interference of foreigners with the affairs of American States; and if there be any quarter of the world which it is commonly supposed to know, and know thoroughly, and about which it ought to have made up its mind, it is that particular portion called Central America, and above all, Nicaragua. It has been squabbling about it with the British for years, and making treaties about it, and receiving and dismissing its Envoys, and writing dispatches and notes, and State papers of all possible weights and dimensions about it; and its citizens have been making roads and canals through it, and are running steamboats through it, and traveling through it by the half million a year, and getting up companies to explore it, and recruiting armies to invade it, and harass it, and waste it. They have had their throats cut in it by the hundred, and have had diarrhœa in it by the thousand, and yet—tell it not in Gath!—our venerable President actually knows nothing about Nicaragua except what he hears from "an intelligent planter formerly in possession of $50,000 a year!" With regard to the public sentiment of that remarkable country, the Presidential mind is a virgin page. Generally and in the abstract, he is aware that no nation likes to have a descent made upon its shores by a foreign adventurer in command of foreign rowdies, and without a flag, or a commission, or a conscience, or a character, or a station, or a responsibility of any sort whatever, and have its Government and treasury seized by him and his crew. Of any other country in the world, from Iceland to Australia, our venerable Chief Magistrate would be able, by the mere aid of his own experience, to assert positively whether or not any such visitation would be agreeable;—and with regard to Nicaragua, the presumption is that she does not like it either,—but whether that presumption is or is not well founded, our President has no means of knowing. The last Walker campaign, and its results, have shed no light on this mysterious subject. None of the Consuls have shed any; none of the Transit Companies have shed any. But "an intelligent planter in Nicaragua, worth $50,000 a year," writes a letter, and all is plain as a pikestaff. Nicaragua wants another dose of WALKER and HENNINGSEN, Colonel TITUS and Colonel ANDERSON, and would like another little campaign such as that which ended at Rivas in the year 1857.

But see in what an embarrassing position Mr. BUCHANAN finds himself. There is a nation before him which sighs for happiness and good government in the person of General WALKER; but between WALKER and his advisers lie the neutrality laws, which the poor President is obliged to enforce. What a cruel dilemma for a man of a philanthropic disposition! How sad to be compelled to sacrifice human happiness to the blind rigor of the laws! To be obliged to keep back the Tennessean Moses from the embrace of Nicaraguan Israelites, and leave them to perish in the house of bondage. This year has been for our Chief Magistrate full of bitterness. The Pennsylvania election was bitter; the defeat of GLANCY JONES was bitter; the Douglas triumph in Illinois was exceeding bitter; but in the Neutrality laws lie the dregs of the cup. To be defeated in a struggle for the mastery, is after all to a great soul a small matter; to have in one's pocket a letter from a wealthy planter declaring that Nicaragua pants for WALKER, and yet to be unable to let WALKER go, begets a grief too sacred either for analysis or description.

One consequence of this remarkable occurrence we already foresee. Nicaragua is not the only ground to which fillibusters may bring deliverance. There are large fields open to their enterprise and energy in various other parts of this Continent. All they have to do now is to get a planter worth $50,000 a year—or five worth $10,000 we presume would answer as well—to certify that an expedition of buccaneers from the United States would be very acceptable to the people, and then the Administration will cordially sympathize. We know how hard it is to act against one's inclination; how many chances present themselves to any man of escaping the performance of an act which he would rather not perform; and how easy it is to let even fillibusters go, when we believe their errand to be one of mercy. So we may readily imagine what will be the amount of hindrance which our Administration will oppose to the evangelization of the political heathen at the hands of persons of the Walkerite persuasion. Unfortunately, [illegible]

MONTARA.

Montara Case Again.—The Intelligence received by the *Asia* puts a new and more revolting face on the Montara affair. It is now stated, on the authority of the Paris *Siecle*, that the Jewish child was never really baptized, but only a [illegible] ("baby") water thrown, by the nurse, upon his face when ill of a fever, at one year of age." The servant, who, nevertheless, is stated to have designed the baptism of the child without the knowledge of the parents, is likewise said to have resorted to a druggist, and not to an ecclesiastic for this service.

This statement may or may not have originated with the Vatican, for the purpose of yielding with a good grace to the storm which is gathering about the Papal ears, or it may be a *canard* of the Press. We shall see. But, in the meanwhile, we do not believe that this question will be allowed to drop. The action of the Inquisition in regard to MORTARA'S child, discloses pretensions of extreme danger to public right. The subject is being more generally agitated, and it is not to be supposed that the Governments of Europe, Protestant and Catholic, which are not completely under Papal dominion, will quietly submit to this indecent outrage upon public opinion. The information that the child is imprisoned, and that his parents are not permitted even to see him, is confirmed by the last mail.

The Destruction of Quarantine.

JUDGE METCALF'S OPINION JUSTIFYING THE INCENDIARISM AND DISCHARGING THE PRISONERS.

Judge METCALF yesterday rendered his decision in the famous Staten Island arson case, and that opinion, as every one anticipated, is in favor of the defendants—RAY TOMPKINS and JOHN C. THOMPSON. The Judge enters at great length into the history of the destruction of the Quarantine buildings on the nights of the 1st and 2d of September last. The facts are so fresh in the memory of all that it is unnecessary to repeat them; it will be sufficient if we give here the reasons which have led the Judge to the opinion he has just delivered. The crime of which the defendants were accused was that of arson in the third degree, coming under that clause of the statute which enacts that "Every person who shall *wilfully* set fire to or burn in the night-time the house of another, not the subject of arson in the first or second degree, or any public building belonging to the people of this State, shall, upon conviction, be deemed guilty of arson in the third degree." Judge METCALF sets out by declaring that, in this case, there was an entire absence of willfulness or malice on the part of the incendiaries, and this is the very essence of the crime of arson. Statements and statistics are then given to show the nature and great extent of the late Quarantine establishment, and the danger from infection under which the surrounding population labored during the Summer season. Particular reference is made to the influx of yellow fever vessels and the notorious spread of that fatal disease over the Island. The Judge not only justifies the incendiarism, but holds that, if the buildings had been private property, and as such were a nuisance, it would have been lawful and even meritorious to destroy them. "Private buildings," he says, "may be taken down as in the cholera season at Albany, or blown up as at the great fire in New-York, and they lay the foundation for the *a fortiori* argument that public buildings may be torn down or blown up for the safety of the public."

The Judge looks upon the burning of the Quarantine buildings as an act of self-defence for the protection of life and property. The act, he says, was a natural right arising from urgent necessity. The emergency authorized the destruction of the property in question even if it belonged to the State. Nor was it done in such a manner as would lead to any inference of malice. The inmates were all suffered to escape; while the patients were carried to a place of safety and were treated with care, and although one did not recover, Dr. BISSELL testified that, in his opinion, he would have died the same day if there had been no burning at all. As to the time chosen for the act, the Judge remarked that the law imposes no obligation of doing such a deed "of salutary and well-intentioned violence" in the day time. "For these reasons"—we quote now the Judge's words—"I am of opinion that no crime has been committed, that the act, the necessity of which all must deplore, was yet a necessity not caused by any act or omission of those upon whom it was imposed, and that this summary act of self-protection, justified by that necessity and therefore by law, was resorted to only after every other proper resource was exhausted." There is also, in the opinion of the Judge, another ground of justification. On the 1st day of September the Board of Health of Castleton adjudged the Quarantine buildings to be a nuisance, and called upon the people of Castleton and the county to abate that nuisance without delay. The power to render such a judgment is, according to Judge METCALF'S opinion, contained in the power and duty of making "regulations in their discretion, concerning the suppression and removal of nuisances, and such other regulations as they shall think proper and necessary for the public health." This was in its nature a judicial act: the Board had jurisdiction of the subject matter, by the terms of the statute; and their judgment was constitutive. The defendants did the acts complained of in obedience to this judgment. But even conceding the action of the Castleton Board of Health to have been void, and that all necessary precautions had been taken by the Quarantine authorities, without success, to isolate the disease, Judge METCALF holds that the people of Castleton had still the right of self-protection and were justified in the act they committed. "As to New-York," says Judge METCALF, "undoubtedly she is entitled to all the protection in the matter that the State can give consistently with the health of others, but she has no right to more. Her great advantages are followed by corresponding inconveniences—her great public works by great expenditures—her great foreign commerce by the infection it brings. But the Legislature can no more apportion upon the surrounding communities her dangers than her expenses;—no more compel them to die her dying than to pay her taxes." For these reasons, most elaborately and ably given in the opinion in question, Judge METCALF thinks that the Staten Island prisoners should be discharged.

Execution of James Rodgers to-day, for the Murder of Mr. Swanston.

This morning, at 10 o'clock, the youth JAMES RODGERS, convicted last November of the murder of Mr. SWANSTON, will be hung within the City Prison. He was tried, it will be remembered, in the Court of General Sessions before Judge RUSSELL. His counsel subsequently made application to the Supreme Court for a new trial, which was granted, but the District-Attorney resorted to the Court of Appeals, which reversed that decision, affirming that of the Court of Sessions, thereby leaving the condemned no hope but in the clemency of the Governor of the State. Although frequently importuned by influential citizens, as well as by the nearest relatives of the wretched young man, the Governor has always refused to interfere, feeling that youthful rowdyism, which on the least provocation, and even without provocation, was ready at any moment, in this City, to resort to the use of deadly weapons, jeopardizing the lives of the most unoffending, and sometimes, as in this special case, proceeding to fatal lengths, needed a terrible example. As, yesterday morning, a decided refusal to interpose the mercy of the Executive was received, there can be no doubt that the execution will duly take place to-day.

According to his own statement, and that of the Prison officials, RODGERS is ready, and even desirous to meet his end. For some time he has refused to see any of the casual visitors of the prison, and has been particularly desirous to avoid all parties connected with the Press. At times he has refused to talk with his relatives, and has allowed only the priests of his Church—he is a Roman Catholic—to enter his cell. As far as we can learn, he has been earnest in the discharge of those religious duties which are urged upon him by his spiritual advisers. Sisters of Mercy have daily visited him, gently tendering consolation that he has very dearly prized.

Up to yesterday morning, he did not appear to flinch in view of the fearful fate which awaits him. He then asked the Sheriff if he should have to suffer much physical pain from the hanging, before he died. The answer returned was of course one of encouragement. Yesterday the gallows, which has been used on, [illegible]

Marriages.

DODWORTH'S SALOON.—A pianist's first requisite which he obtains over the stubbornness of his instrument. Next in order comes the completion of his personal thought and feeling to the most appropriateness of a piano figure. Mr. SAXE—who gave a concert last evening at Dodworth's Saloon—has achieved the first desideratum. His instrument is good, and his practice is so remarkable that we have no recollection of a player who slighted less often either a false note. The second particular of excellence he has not so marked. At present Mr. SAXE is simply an impetuous performer, who makes up with decision what he lacks in delicacy. Of that remarkable sensitiveness which exudes from the fingers of a first-class pianist, and constitutes touch, he is almost destitute. Nevertheless there is an absence of poetic resistance and plastic musical meaning which we now demand from the piano and its masters. The glare of harmony and hard precision of melody, however mechanically correct, are immaterial. Mr. SAXE has accomplished much; he will think and feel more; he will become a first-class artist. The programme contained four pieces: "Fantasia Chromatique," by BACH; "Polonaise Concertante," by CHOPIN; "Rhapsodie Hongroise," by LISZT, and three small compositions by Mr. SAXE. Of the latter we will simply remark that they are more remarkable for nice harmonic treatment than melodic design, or rhythmatic propriety.

CONCERT.—Mr. C. JEROME HOPKINS will give a concert at Chickering's Rooms, assisted by Miss ANNE and Mr. MOZENHAUER.

NEWS BY TELEGRAPH.

The Steam-Frigate Sabine in a Hurricane.

Terrific Four Days' Hurricane at Bermuda—The Sabine Put in for Repairs—A Ship Seen Bottom Up—Other Disasters.

HALIFAX, Thursday, Nov. 17.

The steamer *Delta*, from St. Thomas on the 3d and Bermuda on the 7th inst., arrived here to-day.

Bermuda was visited with a terrific hurricane on the 23d, 24th, 25th and 26th of October, and immense damage was done to property.

The United States frigate *Sabine* put into Bermuda on the 31st ult., having been disabled in the hurricane on the 24th. She lost her mainmast and foremast, and had her bow ports forced in and her steering gear seriously injured. Great facilities for speedy and effective repairs were promptly and cheerfully afforded by the British authorities, and the *Sabine* would sail, in a few days, to in complete order for proceeding to Buenos Ayres.

The bark *W. H. Chandler*, from New-York to Vigo, put into Bermuda on the 29th. She encountered the hurricane on the 24th, and was thrown on her beam-ends and compelled to cut away her masts.

The schooner *General Grant*, from Baltimore, arrived at Bermuda on the 29th, with a large part of her starboard waist torn out by the hurricane. The *G. G.* passed a large ship bottom up, and saw two other vessels laboring heavily in the sea.

The schooner *Harkaway*, from New-York, reached Bermuda on the 30th. Part of her deck load has been washed overboard.

The bark *Elias Burns*, from New-York, also arrived at Bermuda on the 29th.

From Washington.

THE REVENUE FOR THE NEXT FISCAL YEAR—SEWARD AND THE MISSION TO CHINA—VESSELS OF THE PARAGUAY EXPEDITION AT BARBADOES, ETC.

WASHINGTON, Thursday, Nov. 17.

The Treasury estimates are not yet completed, and until they are it will be impossible for the Secretary to know what probable amount of Revenue will be required for the next fiscal year. In the absence of this necessary information, it cannot be determined what recommendation should be made to Congress; hence newspaper speculations upon the subject are without authority. The Secretary has not yet written a line of his report.

General WARD, of Georgia, though he has accepted the tender of the mission to China, will not be nominated to the Senate until after the ratification of the Reed Treaty by that body.

The Secretary of the Navy has received dispatches from the commanding officers of the steamers *Fulton*, *Watersnick*, and *Harriet Lane*, which respectively arrived at Barbadoes on the 15th, 16th and 20th of October. They stopped only a few hours to take in coal, and then left for the rendezvous of the Paraguay Expedition.

Railroad Matters.

THE RAILROAD CONVENTION AT CLEVELAND.

CLEVELAND, Thursday, Nov. 17.

The Railroad Convention was occupied all day in discussing the report of the Committee of the Niagara Falls Convention, and the indications are favorable for an agreement upon the plan proposed by them. The greater and more important part of it has already been agreed to in Committee of the Whole. Great interest was felt, in the proceedings to-day, and there was an increased attendance.

OPENING OF THE DETROIT AND MILWAUKEE RAILROAD.

MILWAUKEE, Thursday, Nov. 17.

The formal opening of the Detroit and Milwaukee Railway will be celebrated here this evening, with a grand ball and supper at the new Bell House. The Mayor and Aldermen, and Legislature of Detroit, as well as many of its private citizens, will be in attendance.

SALE OF THE FOX RIVER VALLEY RAILROAD.

CHICAGO, Thursday, Nov. 17.

The Fox River Valley Railroad was sold, yesterday, at auction, and was bought by R. W. RUSSELL, for $1,000, for the benefit of the first and second bondholders.

Slavers Captured.

CAPTURE OF THE BARK VENUS, WITH SIX HUNDRED NEGROES ON BOARD.

WASHINGTON, Thursday, Nov. 17.

The steamship *Black Warrior* arrived at New-Orleans on Saturday, bringing information from Havana that the bark *Venus*, formerly under the Mexican flag, was captured with nearly 600 negroes on board, off the Morro, by a Spanish war steamer.

THE CAPTURE OF THE KETCH BROTHERS.

CHARLESTON, Wednesday, Nov. 16.

The *Ketch Brothers* arrived here this morning in charge of Lieutenant BOOTH. She was taken on the South coast of Africa on suspicion of being a slaver. The *Ketch Brothers* was formerly owned by Messrs. BARNWELL, of Charleston, and was sold to parties in Havana. She was provided with a slaver's outfit, and had $6,700 in gold, but had no slaves on board at the time of her capture.

Election of a Congressman in place of J. Glancy Jones.

HARRISBURG, Pa., Thursday, Nov. 17.

The Governor has issued a writ for an extra election in Berks County, on the 20th of November, for a member of Congress to supply the vacancy caused by the resignation of J. GLANCY JONES.

Explosion of a Steam Mill—One Man Killed and Three Seriously Injured.

ROSS'S POINT, N. Y., Thursday, Nov. 17.

The steam, saw and leading mill in this place, belonging to Mr. ROSS, of Moores, N. Y., burst this morning, killing one man by the name of ROSENCRANTZ, and injuring three others so badly that their recovery is expected in time. The names of the three injured men not yet ascertained.

James McMahon Found Guilty of Murder.

NEWARK, N. J., Thursday, Nov. 17.

The case of JAMES MCMAHON was concluded to-day, the Jury rendering a verdict of guilty of murder in the first degree. The prisoner manifested no apparent concern at the verdict. He will be sentenced in a few days.

Frost at the South.

AUGUSTA, Ga., Thursday, Nov. 17.

The dispatch sent from here yesterday should have read, "The farmers say there was a killing frost in this section yesterday," instead of "There was no killing frost."

The Pacific for Galway.

ST. JOHN, N. F., Thursday, Nov. 17.

The steamship *Pacific*, for Galway, will not leave this port before Sunday, and dispatches for [illegible] No. 24 Walker-street, New-York, on Saturday in season to reach here that morning, will be duly forwarded by her. She has not yet arrived, but will probably be here to-morrow.

The New-York Times Published: November 14, 1866

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A NEW SIXTH OF GUN, the size of a large cabin gun, well made and warranted. It saves the labor of loading and firing six times, and is sent through the country by express.

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No. 111 Broadway, opposite Howard House.

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NEW PUBLICATIONS.

CHARLES SCRIBNER

JUST AND JOAN

Announced as in Press, to be issued late Sep. 1st, 1858,

TWO CONTINENTS AND THREE OCEANS.

BY

WILLIAM T. ROBINSON, U.S.N.

Commodore WILKINSON'S Expedition and Operations in Patriotic Control. By order of the Secretary of War.

Address by Hon. JOHN A. DIX, at the Dedication of the Monument to the Memory of the late Commodore PERRY, at Newport, R. I., July 23, 1858

The New-York Times Published: November 19, 1856 Copyright Expired

THE HOMICIDE BY A POLICEMAN.

Important Testimony Before the Coroner—Verdict of Unjustifiable Shooting.

An exciting subject of conversation and comment yesterday—particularly among the members of the Police Department—was the shooting of the longshoreman, John Hollis, by Officer Cairnes, of the First Ward Police, the full particulars of which were reported in Thursday's TIMES. Very many parties without testimony pronounced the killing an act of deliberate murder. Policemen, very naturally sympathizing with their brother officer, were somewhat in their defence of his conduct. Large numbers called during the forenoon at the Second Ward Station-house, where CAIRNES was detained in custody, and gave vent to their kind feeling and conviction that he would speedily be exculpated from censure. Indeed, in some instances this quite a rush of visitors at the City Hospital to get a glimpse at the body of the deceased. Among the visitors were the wife and two children of Hollis, and it was painful to witness the anguish of their grief.

ALEX. M. CAMERON, Esq., commenced the inquest. Nearly three hours were consumed in taking the testimony. The evidence is somewhat conflicting as to the proximity of the officer to the deceased when he drew the fatal shot. A majority of the witnesses stated that he was within two or three feet of him, which statement is corroborated by the medical evidence, and the fact that the coat of the deceased was scorched where the ball entered. Officer CAIRNES was present, and manifested considerable nervousness as to the result. A gentleman appeared as his counsel, and expressed a desire to interrogate some of the witnesses, but was not allowed by the Coroner to do so. The following is

THE EVIDENCE.

Thomas Conway, sworn—I am Captain of the ship *St. Charles*, which sails between this port and Havre, France; the *St. Charles* is now lying at the foot of Wall-street, East River; the deceased and another man came on board on Tuesday morning and asked me to allow them to ship with me; I told them that I had made out my full complement of men, and I instructed the mate to have nothing to do with them; yesterday, about noon, the same two men accosted me in South-street and asked me again to ship them on my vessel; I told them a second time that I had all the men I needed, and did not want them; they followed me to my ship, and manifested decided dissatisfaction at my refusal to take them; I went on board of my ship; deceased called me a n—n of a b—h, and said he would slow himself on board the vessel and murder me on the voyage; at this time I was standing by the rail; following the remark he hurled a brick at me, which struck the poop very near where I was standing; I went into the cabin and brought out my gun; on my return the deceased stood on the gang-way, but on seeing the gun, he left the ship and went on to the pier; directly I sent my steward for an officer; in about ten minutes two officers appeared, and I told them what had occurred; immediately we commenced looking for the men; we found the deceased in South-street, on his way to the Battery; one of the officers arrested him; the deceased at first denied having done anything for which he should be arrested, but he finally accompanied the officer without any resistance to the First Ward Station-house; the officer in charge of the Station-house gave directions to have the prisoner conveyed to the Tombs for a hearing before a Police Magistrate; this was after an ineffectual search had been made for the companion of the prisoner; Officer Cairnes started to convey the deceased to the Tombs, and I accompanied them; after proceeding a little way, the deceased sent a boy for a friend, to become his bail; at the corner of Fulton and Front streets, the deceased suddenly turned upon the officer and struck him a violent blow, knocking him down, and then ran away; the officer got up, and pursued the escaped prisoner; the deceased had gone about fifteen yards, when the officer got to his feet; the officer fired at him, but the shot took no effect; as deceased was turning the corner of South-st., the officer fired a second time, and again without effect; the deceased kept on running, and the officer continued to pursue him; I meantime following on after him; I lost sight of deceased, but as I turned the corner of South and Fulton streets, he was lying bleeding on the pavement; before I turned the corner the officer fired a third time; in a moment I saw the deceased lying on the sidewalk.

Q.—Did it strike you as a reckless act on the part of the officer to fire as he did? A.—I so thought at the time; the same impression prevailed among the crowd; I recognize the deceased as the person who wanted to ship with me.

By Jurors—Did you see the three shots fired? A.—I saw the first shot, but only heard the report of the other shots; I did not see the deceased fall.

Andrew Hicks, sworn—I live in Brooklyn, No. 99 Tillary-street; I keep a fruit stand at Fulton Market; a noise suddenly attracted my attention about two o'clock Wednesday afternoon; a man, having on a white coat came running around the corner, and immediately I heard the discharge of a pistol; there were three shots altogether; I saw the deceased when the last shot was fired; I saw the deceased fall; a man caught hold of him as he fell; I do not recognize Officer Cairnes as the man who fired the pistol.

Q.—How close was the officer to the deceased when he fired? A.—Within a few feet.

Q.—Did some one have hold of the deceased when the pistol was fired the third time? A.—No, Sir; I am positive on that point; the man who was shot had on a light coat; I cannot positively recognize the deceased as the man who was fired at; there was such a mob over my apple-stand that I had all I could do to look after my effects.

To Jurors—When the last shot was fired I was within six feet of the officer; the man who was shot was then within grasp of the policeman.

Q.—Did the officer give any intimation of his intention to shoot? A.—He said nothing by way of warning, that I heard; I should have heard the warning had any been uttered; the officer stopped still when he discharged his pistol.

Charles W. Degraaf, sworn—I reside at No. 78 Vanderbilt-avenue, Brooklyn; I am a cartman engaged at Fulton Market; I was standing about two o'clock at the foot of the market stage, near the paper stand of McCarthy, suddenly Mr. McCarthy exclaimed "What does this mean?" and a man came running by at a fearful speed; supposing the man was a thief, or some disorderly character, I caught hold of his coat collar and held him for an instant; the officer came up and exclaimed, in an excited manner, "You will get away from me, will you?" and immediately fired his pistol at the man; I heard only one shot.

Q.—How near was the officer to the man when he discharged his pistol? A.—He was so near that the back of the man's coat was scorched; Officer Perkins of the Second Ward; pulled out the fire; the deceased was standing still when the shot was fired; Officer Perkins immediately came up and told Officer Cairnes (the officer who fired the pistol) that he was crazy for shooting as he did, when he had so much assistance at his command; afterwards I was told that the prisoner remarked that he would not shoot as he did if he had the thing to do over again; I went and got my cart, and the deceased was put upon it; Officer Cairnes came along with the cart; his lips were cut; an old gentleman, who stood by when the shooting took place, remarked, "Such shooting is deliberate murder!" when the deceased fell he asked to be taken home to his wife and children; I saw the pistol in the officer's hand before he fired; I did not suppose he was going to shoot, or that he would venture to shoot in such a public place; the officer was very much excited; had not Officer Perkins and some citizens came up I think that the exasperated crowd would have lynched Officer Cairnes.

John Farrell, sworn—I am a grocer at Fulton Market; about two o'clock I heard the report of a pistol; the ball went among the barrels where I was at work, and made considerable of a rattling; a man came running around the corner; thinking he was a fugitive from justice, I caught hold of him, but immediately released my hold, not knowing but that he might be some very desperate character and that I might get myself involved in serious difficulty; I saw an officer coming up as I released my hold; I ran fifty feet before I caught hold of the man.

Q.—Did you see the officer shoot? A.—He shot almost immediately after I let go of deceased; the deceased fell to the sidewalk; the officer stood still when he fired; the deceased was also standing still; the whole thing occurred in a few seconds; I do not recognize Officer Cairnes as the one who fired the pistol; I was a good deal excited, and did not notice him particularly; I did not notice the deceased sufficient to be able to identify him.

Peregrine A. Perkins sworn—I am attached to the Second Ward Police; a little before two o'clock I was on duty at Fulton Market; I heard the report of a pistol and saw Officer Cairnes running after a man; at that instant I heard a second report, and ran over to where Officer Cairnes, when the latter fired again; the man was off and he was a good deal excited; I said to him, "Are you crazy?" and he put the revolver back into his pocket; a large crowd gathered about the man against the officer; I felt it my duty to protect the officer, and did so.

Q.—How near was the officer to the man when he discharged his pistol? A.—He was so near that the back of the man's coat was scorched; Officer Perkins of the Second Ward,